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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

**Program to Reduce Class Size in
Two Courses in Grade 9**

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board of Education, will hold a public hearing beginning at **9:00 a.m. on May 3, 2005**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that persons desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on May 3, 2005**. The State Board will only consider written comments that received by the Regulations Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, CA 95814

E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 52084(h), Education Code.

References: Sections 52080 to 52090, inclusive, Education Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Education Code sections 52080 to 52090, inclusive, establish the Program to Reduce Class Size in Two Courses in Grade 9 ("Grade 9 CSR"), under which funding is apportioned to school districts that limit the size of classes in specified courses to an average of 20 students per teacher (and no more than a maximum of 22 students in any individual class). Education Code Section 52084(h) calls for the State Board to adopt regulations implementing Grade 9 CSR. In particular, the regulations are to address the pupil enrollment that may be certified for apportionment purposes under Grade 9 CSR.

The proposed regulations define certain terms and are used (but not defined) in statute. The proposed regulations also provide for the certification of enrollment necessary to properly apportionment funds for Grade 9 CSR.

INCORPORATION BY REFERENCE

These regulations incorporate by reference the Morgan-Hart MH-CSR9-A Request for Application (Rev. 01/2005) and the Morgan-Hart J-9MH-A Report of Enrollment (Rev. 01/2005). These items can be found on the California Department of Education's website at <http://www.cde.ca.gov/fg/aa/ca/mhcsr9thgrade.asp>.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

Affect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to school districts and not to business practices.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

John Merris-Coots, Consultant
California Department of Education
High School Initiatives/Career Education Office
1430 N Street, 4th Floor
Sacramento, CA 95814
Telephone: (916) 319-0461
E-mail: jmerris@cde.ca.gov

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and

the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/re/lr/rr/>.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting John Merris-Coots, High School Initiatives/Career Education Office, 1430 N Street, 4th Floor, Sacramento, CA, 95814; telephone, (916) 319-0461; fax, (916) 319-0163. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF INTENTION TO ADOPT OR AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Public Employment Relations Board (PERB or Board) intends to adopt or amend a conflict-of-interest code

pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on March 18, 2005 and terminating on May 2, 2005. Any interested person may present written comments concerning the proposed code no later than May 2, 2005 to the Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95814. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing. The Board has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

The proposed amendments to PERB Regulation 31100 are necessary in order to reflect the Board's current organizational structure and to correct certain position titles and terms used therein. The amendments include the deletion of an outdated title (Executive Assistant to the Board), the addition of two positions to the list designated for reporting purposes (Administrative Assistant to the Chair and Legal Documents Examiner), the correction of the title of Legal Advisers, the correction of the name of the Division of Administrative Law, and a clarification regarding who may determine that a consultant is not required to comply with the disclosure requirements in the section.

Copies of the proposed code and all of the information upon which it is based may be obtained from the Board. Any inquiries concerning the proposed code should be directed to Robert Thompson at (916) 327-8381 or rthompson@perb.ca.gov, or Les Chisholm at (916) 327-8383 or lchisholm@perb.ca.gov.

**TITLE 10. DEPARTMENT
OF INSURANCE**

**NOTICE OF PROPOSED REGULATORY ACTION
AND NOTICE OF PUBLIC HEARING**

RH04038230

**Credit Property Insurance and Credit
Unemployment Insurance**

SUBJECT OF HEARING

A public hearing will be initiated regarding the proposed adoption of regulations which specify prima

facie rates for credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes the adoption of Title 10, Chapter 5, Subchapter 4.10, Article 1 through Article 8, Sections 2670.1 through 2670.27, pursuant to the authority vested in him by Sections 779.21, 779.36, 12921 and 12926 of the California Insurance Code, *Credit Insurance General Agents Association v. Payne*, 16 Cal.3d 651 (1976), and *20th Century v. Garamendi*, 8 Cal.4th 216 (1994). The purpose of these regulations is to implement, interpret, and make specific provisions of the California Insurance Code, including but not limited to, Section 779.36.

HEARING DATE AND LOCATION

The Insurance Commissioner will hold a public hearing to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations at the date, time, and place set forth below:

**Date and time: May 5, 2005
10:00 a.m.***

**Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, CA 94105**

* The hearing will continue on the date noted until all testimony has been completed or 4:30 p.m., whichever is earlier.

**WRITTEN AND/OR ORAL COMMENTS;
AGENCY CONTACT PERSON**

All persons are invited to present oral/and or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

California Department of Insurance
Attention: Donald Hilla
45 Fremont Street, 21st Floor
San Francisco, CA 94105
(415) 538-4108
FAX (415) 904-5490
hillad@insurance.ca.gov

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If the contact person is not available inquiries may be sent to the backup contact person:

California Department of Insurance
Attention: Michael Riordan
45 Fremont Street, 21st Floor
San Francisco, CA 94105

(415) 538-4226
FAX: (415) 904-5490
riordanm@insurance.ca.gov

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

DEADLINE FOR WRITTEN COMMENTS

Any interested party may submit to the Commissioner written comments relevant to the proposed regulations. All written materials unless submitted at the hearing, must be received by the contact person at the address listed above, by no later than **5:00 p.m. May 5, 2005**. Any comments received after that time will not be considered.

COMMENTS TRANSMITTED BY
ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail, provided they are sent to the following e-mail address: hillad@insuarnc.ca.gov. The Commissioner will accept written comments transmitted by facsimile to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or by facsimile machine will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth.**

ACCESS TO HEARING ROOM

The public hearing rooms are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the agency representative (listed above) for the hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Title 10 of the California Code of Regulations in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address in order to inquire about the appropriate procedures:

Office of the Public Advisor
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written material submitted to the Public Advisor regarding this rulemaking must also be submitted to the agency contact person listed above. Please contact the Office of the Public Advisor for further information.

Existing law governing credit property insurance and credit unemployment insurance rates is set forth in Insurance Code § 779.36 and Proposition 103 (Insurance Code §§ 1861.01 et seq.). The provisions of Proposition 103 apply prior approval rate regulation to these lines of insurance, and the provisions of § 779.36, as amended by Statutes of 1999, Chapter 413 (AB 1456), § 1, contain requirements specifically for credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance. (Hereafter both credit property insurance and joint credit property insurance are included in references to “credit property insurance,” and both credit unemployment insurance and joint credit unemployment insurance are included in references to “credit unemployment insurance.”)

Originally Insurance Code § 779.36 governed only credit life insurance and credit disability insurance. In 1999 the Legislature amended the statute, largely in response to a March 1999 report by Consumers Union and the Center for Economic Justice titled “Credit Insurance: The \$2 Billion A Year Rip-Off,” subtitled “Ineffective Regulation Fails to Protect Consumers” (the “Report”). The Report describes how a marketing system of “reverse competition” generates high rates for credit property insurance and credit unemployment insurance relative to the benefit provided by the coverages. The Report also detailed numerous objectionable practices by the credit insurance industry in selling these coverages and resolving claims. In response, the Legislature amended § 779.36 to add rate control provisions for credit property insurance and credit unemployment insurance (as well as credit life and disability insurance).

Although regulations exist which implement the prior approval provisions of Proposition 103, there are no regulations which implement the provisions of Insurance Code § 779.36 which govern credit property insurance and credit unemployment insurance. Insurance Code § 779.36 as amended requires the Commissioner to adopt regulations “that become effective no later than January 1, 2001, specifying prima facie rates based upon presumptive loss ratios, with rates which would be expected to result in a target loss ratio of 60 percent, or any other loss ratio as may be dictated after applying the factors contained in this subdivision, for each class of . . . credit unemployment [and] credit property . . . insurance.” The statute also includes “joint credit property insurance” and “joint credit unemployment insurance” within its rate control provisions. Section 779.36 requires the Commissioner to make the insurers’ actual annual loss ratios available to the public each year.

The Commissioner proposes the adoption of Title 10, Chapter 5, Subchapter 4.10, Article 1 through Article 8, §§ 2670.1 through 2670.24 on a permanent basis. The purpose of the regulations is to implement, interpret and make specific provisions of the California Insurance Code, including but not limited to, § 779.36. The regulations establish prima facie rates for credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance as required by California Insurance Code § 779.36. The regulations also require insurers to report actual annual loss ratio data to the Department of Insurance so that the Commissioner can make this information available to the public.

This rulemaking action pertains only to the fixing of “rates, prices or tariffs.” Under Govt. Code Sec. 11340.9(g) it is exempt from Office of Administrative Law approval.

PLAIN ENGLISH OVERVIEW

The proposed regulations contain the following provisions:

Article 1. Scope.

Section 2670.1. Authority.

Existing regulations do not set forth the legal authority for regulations which implement Insurance Code § 779.36. This section sets forth the legal authority for the regulations.

Section 2670.2. Purpose.

Existing law does not set forth the purpose of regulations promulgated to effectuate Insurance Code § 779.36. This section states that the purpose of the regulations is to implement the provisions of Insurance Code Section 779.36 which apply to credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance.

Section 2670.3. Applicability.

Existing law does not set forth the applicability of regulations promulgated to effectuate Insurance Code § 779.36. This section states that the proposed regulations apply to all credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance on risks or on operations in California.

Article 2. Definitions.

Section 2670.4. Definitions Applicable to this Subchapter.

(a) Existing law does not define “credit property insurance” as that term is used in the regulations. This section defines “credit property insurance” as it is used in the regulations.

- (b) Existing law does not define “joint credit property insurance” as that term is used in the regulations. This section defines “joint credit property insurance” as it is used in the regulations.
- (c) Existing law does not define “credit unemployment insurance” as that term is used in the regulations. This section defines “credit unemployment insurance” as it is used in the regulations.
- (d) Existing law does not define “joint credit unemployment insurance” as that term is used in the regulations. This section defines “joint credit unemployment insurance” as it is used in the regulations.
- (e) Existing law does not define “closed end” plan of indebtedness as that term is used in the regulations. This section defines “closed end” plan of indebtedness as it is used in the regulations.
- (f) Existing law does not define “earned premium” as that term is used in the regulations. This section defines “earned premium” as it is used in the regulations.
- (g) Existing law does not define “experience group” as that term is used in the regulations. This section defines “experience group” as it is used in the regulations.
- (h) Existing law does not define “experience period” as that term is used in the regulations. This section defines “experience period” as it is used in the regulations.
- (i) Existing law does not define “reported claim count” as that term is used in the regulations. This section defines “reported claim count” as it is used in the regulations.
- (j) Existing law does not define “open end” plan of indebtedness as that term is used in the regulations. This section defines “open end” plan of indebtedness as it is used in the regulations.
- (k) Existing law does not define “prima facie rate” as that term is used in the regulations. This section defines “prima facie rate” as it is used in the regulations.

Article 3. Regulation of Rates.

Section 2670.5. Presumptive Loss Ratios and Prima Facie Rates, Generally.

Existing law (Insurance Code § 779.36) requires the Commissioner to adopt regulations which specify prima facie rates for credit property insurance and credit unemployment insurance based on presumptive loss ratios. The section sets forth the method of calculating the loss ratio, and states when a rate shall be presumed excessive under Insurance Code § 1861.05. The section explains that the regulations contain prima facie rates based on benchmark

programs set forth in the regulations. The section specifies when an insurer may use a program which is different from a benchmark program.

Section 2670.6. Prima Facie Rates for Benchmark Programs.

Existing law does not specify the prima facie rates required by Insurance Code § 779.36. This section specifies the prima facie rates for the benchmark programs set forth in the proposed regulations.

Section 2670.7. Calculation of the Maximum Permitted Premium.

Existing law does not specify how rates for credit property insurance and credit unemployment insurance shall be calculated under the rate regulation requirements of Insurance Code § 779.36. This section specifies how rates shall be calculated.

Section 2670.8. Rate Changes.

Existing law does not specify the manner in which insurers are to make rate changes in order to comply with the requirements of Insurance Code § 779.36. This section tells insurers under what circumstances they must file a proposed rate decrease, and under what circumstances they must file a proposed rate increase. The section states that a proposed rate may not exceed the maximum permitted premium. However, the Commissioner may approve a rate higher than the maximum permitted premium if a lower rate provides inadequate allowances for the factors set forth in Insurance Code § 779.36. The Commissioner shall disapprove a rate if the insurer does not demonstrate that the rate has been determined in accordance with the law.

The section specifies the time frames within which rate decreases and rate increases shall become effective. It restricts the ability of an insurer to raise rates when assuming business or when transferring a creditor or creditor group to another experience group. The section allows the Commissioner to consider proposals for rates in excess of the maximum permitted premium rates for specific creditors, creditor groups, or products if it is demonstrated that the maximum permitted premium rates provide inadequate allowances for the factors listed in Insurance Code § 779.36.

Section 2670.9. Table.

Existing law does not explain how to determine the credibility factor to be used in calculating credit property insurance rates or credit unemployment insurance rates. This section sets forth a table and instructions by which that can be done.

Section 2670.10. Certificate of Insurance; Filing Requirements.

The Insurance Code does not expressly state that certificates of insurance (which are issued to the certificate holder, i.e., the consumer) for credit property insurance or credit unemployment insurance must set forth all applicable coverages, exclusions, and limits of liability. In addition, the Insurance Code does not expressly state that the coverages, exclusions, and limits of liability in a master policy which pertain to certificates of insurance issued under the master policy must match the coverages, exclusions, and limits of liability set forth in a certificate of insurance issued under the master policy. This section requires that all applicable coverages, exclusions, and limits of liability must be set forth in each certificate of insurance, and requires that these provisions be consistent with the coverages, exclusions, and limits of liability contained in the master policy under which the certificate is issued. This section also provides that every rate filing subject to the regulations shall include copies of the certificate of insurance and master policy used in the program for which the rate filing is made.

Section 2670.11. Cancellation of Coverage and Return Premium.

The Insurance Code contains no provisions which specify the method by which return premium should be calculated when a certificate holder cancels a policy of credit unemployment insurance or a policy of credit property insurance other than single interest credit property insurance coverage on a closed end plan of indebtedness. This section provides that in the event the certificate holder cancels coverage of a policy covered by the section, any return premium shall be computed on a prorata basis if the premium is paid monthly, and by the Rule of 78's if the premium is paid annually and the coverage provided pays off the entire balance of the certificate holder's indebtedness.

Article 4. Benchmark Programs for Credit Property Insurance.

Section 2670.12. Benchmark Number One: Provisions for Dual Interest Credit Property Insurance on an Open End Plan of Indebtedness.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for dual interest credit property insurance on an open end plan of indebtedness, a form of credit property insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.13. Benchmark Number Two: Provisions for Dual Interest Credit Property Insurance on a Closed End Plan of Indebtedness.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for dual interest credit property insurance on a closed end plan of indebtedness, a form of credit property insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.14. Benchmark Number Three: Provisions for Dual Interest Credit Property Insurance on a Closed End Loan Secured by Personal Property.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for dual interest credit property insurance on a closed end loan secured by personal property, a form of credit property insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Article 5. Benchmark Provisions for Credit Unemployment Insurance.

Section 2670.17. Benchmark Number Six: Provisions for 30-Day Retroactive Credit Unemployment Insurance on an Open End Plan of Indebtedness, and Paying Minimum Monthly Payment.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day retroactive credit unemployment insurance on an open end plan of indebtedness, and paying the minimum monthly payment, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.18. Benchmark Number Seven: Provisions for 30-Day Non-Retroactive Credit Unemployment Insurance on an Open End Plan of Indebtedness, and Paying Minimum Monthly Payment for Six Months.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day non-retroactive credit unemployment insurance on an open end plan of indebtedness, and paying the minimum monthly payment for six months, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.19. Benchmark Number Eight: Provisions for 30-Day Retroactive Credit Unemployment Insurance on an Installment Loan Plan of Indebtedness, Paying Monthly Payment on Installment Loan Up to Twelve Monthly Payments.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day retroactive credit unemployment insurance on an installment loan plan of indebtedness, and paying the monthly payment on the installment loan up to twelve monthly payments, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.20. Benchmark Number Nine: Provisions for 30-Day Non-Retroactive Credit Unemployment Insurance on an Open End Plan of Indebtedness, and Paying Outstanding Balance Up to Policy Limit.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day non-retroactive credit unemployment insurance on an open end plan of indebtedness, and paying the outstanding balance up to the policy limit, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Article 6. Reporting Requirements.

Section 2670.20. Annual Experience Reports.

Insurance Code § 779.36 requires that the Commissioner specify prima facie rates for credit property insurance and credit unemployment insurance. Section 779.36(a) and § 779.36(c) state that the prima facie rates “shall be based upon loss experience filed with the commissioner, aggregated by class.” Section 779.36(e) provides that the Commissioner shall make insurers’ actual annual loss ratios for credit property insurance and credit unemployment insurance available to the public on an annual basis. Section 2670.21 of the proposed regulations requires insurers subject to the regulations to file annual reports of their credit property insurance and credit unemployment insurance experience statistics with the Commissioner. The section tells insurers where to file the reports, and instructs insurers on the manner in which the experience statistics shall be reported and filed. The section further requires insurers to maintain experience data on an annual basis for at least five (5) years.

Section 2670.22. Reporting Forms.

As stated above, existing law requires insurers to file annual reports of their credit property insurance and credit unemployment insurance experience statistics with the Commissioner. This section provides an address at the Department of Insurance where reporting forms may be obtained.

Article 7. Effective Date and Severability.

Section 2670.23. Effective Date.

Existing law does not state the date on which the proposed regulations will become effective, and does not establish deadlines by which insurers must make the rate filings required by the regulations. Existing law does not specify the standards by which these rate filings will be reviewed. This section establishes an effective date for the regulations as well as a deadline for insurers to make new rate filings. The section sets forth the standards by which the rate applications will be reviewed.

Section 2670.24. Severability.

Existing law does not address severability of the regulations if any provision is held invalid. This section provides that if any provision is held invalid the rest of the regulations shall not be affected.

**PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code Section 11346.45, is not required to implement the proposed regulation, because the issue addressed is not so complex that it cannot easily be reviewed during the comment period.

**MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICTS OR COSTS WHICH MUST
BE REIMBURSED PURSUANT TO
GOVERNMENT CODE SECTION 17500
THROUGH 17630**

The proposed regulation does not impose any mandate on local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement. There are no costs to local agencies or school districts from the proposed regulations, and the proposed regulation will not affect funding to the State.

COST OR SAVINGS TO STATE AGENCIES

The Commissioner has determined that there will be no direct cost or savings to, nor will there be any new program mandates on, any state agency, local agency or school district from the proposal, and that the proposal will not affect federal funding to the state.

**OTHER NON DISCRETIONARY COST OR
SAVINGS IMPOSED UPON LOCAL AGENCIES**
None

**COST OR SAVINGS IN FEDERAL FUNDING
TO THE STATE**
None

**COMPARABLE FEDERAL STATUTES
OR REGULATIONS**
None

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESS**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS INCLUDING THE ABILITY OF
CALIFORNIA INSURERS TO COMPETE WITH
THOSE IN OTHER STATES**

The Department has analyzed the economic impact of the proposed regulations by calculating their effect on earned premium in California in 2003, the most recent year for which annual data are available. In 2003, credit property insurers reported \$15,621,163 in earned premium in California. The Department has estimated that the regulations will decrease the amount of earned premium by these insurers by 82%, or \$12.8 million. This would reduce the total credit property insurance earned premium in California to \$2.8 million.

The Department expects the regulations will have a similar effect on credit unemployment insurance earned premium in California. In 2003, credit unem-

ployment insurers reported \$78,330,421 in earned premium in California. The Department has estimated that the regulations will decrease the amount of earned premium by these insurers by 84%, or \$65.8 million. This would reduce the total credit unemployment insurance earned premium in California to \$12.5 million.

The premium reductions will affect insurers and other businesses in the chain of distribution, such as lenders and retailers selling goods on credit. These businesses will incur one-time costs associated with complying with the new rates. These costs will vary widely based upon the type of business and distribution system involved and cannot be readily estimated. For example, insurers will have to make new rate filings in order to comply with Insurance Code § 779.36. However, since these insurers are already subject to the rate approval requirements of Proposition 103 (Insurance Code §§ 1861.01 et seq.) they have made rate filings in the past and they can make the rate filings required by the regulations without unusual expense or disruption. Businesses receiving commissions, acquisition costs, or other similar expenses from insurers will likely receive reduced compensation.

The proposed regulations will take approximately \$78.6 million annually from lenders and retailers (in the form of compensation) and the credit insurance industry. It will provide that \$78.6 million directly to consumers to spend on additional goods and services as they choose. The effect of this shift on the aggregate creation or elimination of jobs within the state of California, the creation of new businesses or the elimination of existing businesses in the State, or the expansion of companies currently doing business within California has not been precisely quantified. However, to the extent this transfer will have any overall effect on the huge California economy, the impact will probably be salutary.

The proposal will not have an adverse impact on the ability of California businesses to compete with those in other states. All insurers selling credit property insurance and credit unemployment insurance in California will be subject to the requirements of the proposed regulations, regardless of whether they are California companies or out-of-state companies. Moreover, to the extent the regulations provide consumers with annual savings of approximately \$78.6 million the regulations may increase competitiveness within the state because this money will be returned to the California economy.

The changes wrought by the regulations will take place as a result of the restrictions on premium imposed by Insurance Code § 779.36, not the regulations themselves, which merely implement the terms of the statute. Given these facts, the Department has

determined that the regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with those in other states.

IMPACT ON SMALL BUSINESS

Insurers are not “small businesses” under Govt. Code Sec. 11342.610, the statute which requires the Commissioner to evaluate the effect of regulatory proposals on “small business.” However, “small businesses” may comprise some part of the distribution chain of credit property insurance and credit unemployment insurance, either as “creditors” (usually, small retailers) or as insurance producers. The Department believes that most businesses affected by the regulations are excluded from the definition of “small business” under Government Code § 11342.610. However, to the extent some “small businesses” may be affected by the proposed regulations, these businesses receive compensation for their credit insurance activities, and may well receive reduced compensation as a result of the rate reductions mandated by the proposed regulations. The Department is unaware of any existing data on the aggregate credit insurance compensation paid to “small businesses” in California. To the extent any “small businesses” are affected by the regulations, this will be a result of the rate restrictions imposed by Insurance Code § 779.36, not the regulations themselves, which merely implement the terms of the statute

EFFECT ON JOBS IN CALIFORNIA

The overall cost impact on the California public is set forth above. Credit property and credit unemployment insurance coverage is sold to consumers, so the cost impact based solely on the reduction of rates would be passed on directly to members of the California credit insurance buying public as savings in their cost of credit insurance.

The cost impact on businesses directly affected by the proposed regulations is set forth above. Business entities which must comply with the proposed regulations will incur one-time costs associated with the rate filings they will have to make in order to comply with Insurance Code § 779.36. Since these insurers are already subject to the rate approval requirements of Proposition 103 (Insurance Code § 1861.01 et seq.) they have made rate filings in the past and can make the rate filings required by the regulations without unusual expense or disruption. Other one-time costs associated with complying with the regulations would vary widely based upon the types of business and distribution systems involved and cannot be readily estimated.

To the extent that the proposal has a cost impact on private persons or businesses directly affected, that

cost impact is a result of the Insurance Code section being implemented, interpreted, and made specific by the proposed action.

IMPACT ON HOUSING COSTS

The proposed regulations will not affect housing costs.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code Section 11346.5(a)(13), the Commissioner must determine that no reasonable alternative considered by the Commissioner, or that has otherwise been identified and brought to the attention of the Commissioner, would be more effective in carrying out the purpose for the proposed regulations, and that no alternative would be as effective or less burdensome to private persons or businesses directly affected than these regulations. The purpose of the proposed regulation is to implement a statutory mandate. To date, no reasonable alternative to the proposed regulations is apparent. The Commissioner, however, invites public comment on alternatives to the regulations.

AVAILABILITY OF TEXT OF THE RULEMAKING FILE

The Insurance Commissioner has prepared an initial statement that sets forth the reasons for the proposed action. The Insurance Commissioner also has available all the information upon which this proposed action is based, and the express terms of the proposed action.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California, 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon written or e-mail request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this Notice, the Informative Digest, the Initial Statement of Reasons and the proposed regulations will be sent to each person on the Insurance Department's mailing list.

WEB ACCESS

A copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained on the Department's Web site at www.insurance.ca.gov. Along the right side bar you will see the heading "Legal Information." Click on the nearby "Proposed Regulations" link. When the search field appears, enter "**RH04038230**" (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code Section that the regulations implement (for instance, "1861.02(c)"), or search by the key word (credit insurance for example.). Then click on the "Submit" button to display links to the various filing documents. For those without Web access, contact Donald Hilla at the address and FAX above, or by telephone at (415) 538-4108.

AVAILABILITY OF CHANGED OR MODIFIED LANGUAGE

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 220 and 240, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205 and 206, of said Code, proposes to amend subsection (f) of Section 7.00, Title 14, California Code of Regulations, relating to the Southern District Steelhead Waters.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Steelhead trout populations within the Southern California Steelhead Evolutionarily Significant Unit (ESU), from the Santa Maria River (inclusive) to Malibu Creek, were listed by the federal government as endangered in October 1997. On May 2, 2002, the National Marine Fisheries Service (NMFS) extended the range of the Southern California Steelhead ESU from Malibu Creek to the Mexican border. As a federally listed endangered species, southern California steelhead are prohibited from being taken as defined by the federal Endangered Species Act (ESA).

Current general regulations for the Southern Fishing District allow fishing all year with a five-fish bag limit in streams and tributaries (except those listed by name in the Special Regulations) above Twitchell Dam on the Cuyama River, above Bradbury Dam and below Gibraltar Dam on the Santa Ynez River; Robles Diversion Dam on the Ventura River; and Rindge Dam on Malibu Creek.

In 2004 a fishway was constructed at the Robles Diversion that is designed to allow volitional passage of steelhead above the diversion. Currently there has been no verified passage by adult steelhead above the diversion. Monitoring of the fishway and upstream portions of the Ventura River and associated tributaries is ongoing. If passage of adult steelhead cannot be verified during the proposed regulation review period, the Department will request that the Commission not act on this proposed regulation change. However, if adult steelhead passage is verified above Robles Diversion before these regulations can be adopted into law, the Department will initiate an emergency regulation proposal recommending that anadromous portions of all streams above the Robles Diversion immediately be closed to all fishing.

For angler clarification, the Department is proposing to describe the non-anadromous sections of Matilija Creek, and North Fork Matilija Creek and add these streams to the list of waters within the Southern District regulations that are open to angling.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Secretary of State Auditorium, 1500 11th Street, Sacramento, California on Thursday, May 5, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before May 5, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than May 5, 2005, at the hearing in Sacramento, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Jon Fischer or Jon Snellstrom at the preceding address or phone number. Dr. Ed Pert, Department of Fish and Game, phone (916) 445-3616 has been designated to respond to questions on the substance of the proposed regulations. Copies of the

Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The recovery of the endangered Southern California steelhead population in the Ventura River will be assisted by this action. Businesses and the public should ultimately benefit from the recovery of the species.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost

impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Marriott Los Angeles Airport Hotel, 5855 West Century Boulevard, Los Angeles, California, at 9:00 a.m. on May 7, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on May 5, 2005 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons

who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 2909, 2913 and 2914 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposed sections 1387–1387.7, which relates to supervised professional experience (SPE), were recently amended to clarify and amend language and set standards to comply with section 2914 of the Business and Professions Code. These changes became effective January 1, 2005. Since that time, the board realized that there are a few technical enhancements that need to be made to further clarify and complete the basis of these regulations. Section 1387 would: define the custodial tasks for trainees, define the term "trainee," state that the delegated supervisor(s) shall be employed in the same work setting as the trainee, and define that the internship training director is a licensed psychologist who possesses a valid, active license, free of any disciplinary action. This proposal would add language to section 1387.3 to define that the section is for trainees preparing for practice in non-mental health services. Section 1387.5 would require that the written weekly log of all hours of SPE include an indication that the weekly work completed was satisfactory.

When the board restructured the supervised professional experience regulations, there were newly adopted sections relating to registered psychologists and psychological assistants. Currently, the heading for Article 5 reads "Registered Psychologists and Psychological Assistants." This proposal would delete "Psychological Assistants" from the Article 5 heading. The board proposes to amend section 1387.6 to refer to, and adopt, a new Article 5.1 concerning Psychological Assistants.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825 or at the board's website at

www.psychboard.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.psychboard.ca.gov.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of California Notice Register 2005, No. 3-Z, and Meeting of February 4, 2005.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 8254 and 8259 of the Fish and Game Code and to implement, interpret or make specific sections 2365, 7852.2, 8043, 8046, 8250-8259, 9002-9006 and 9010 of said Code, proposes to amend Sections 122, Title 14, California Code of Regulations, regarding Transferability of Commercial Spiny Lobster Fishing Permits.

Proposed changes to Section 122 as set forth in the first notice regarding transferability of commercial spiny lobster fishing permits (Notice Register 2005, No. 3-Z, published January 21, 2005) remain the same, **except for the additional proposal to limit the**

number of traps that may be used once a permit is transferred, as shown in bold face type below (see Updated Informative Digest below).

**UPDATED INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

State law (Sections 8254 and 8259, Fish and Game Code) authorizes the Commission to set the conditions for issuance of and to limit the number of commercial lobster permits.

Existing regulations (Section 122, Title 14, California Code of Regulations) set the conditions for issuance and renewal of commercial lobster fishing permits.

Under these regulations all lobster operator permits are non-transferable.

The proposed amendments would create a transferable lobster operator permit and set qualification criteria based on prior participation. The Commission will consider a range of landings from either Option A or Option B, below to have an existing 2005–06 non-transferable permit designated a transferable permit.

Option A: A fisherman would have to have landed a minimum of 500 pounds per year in 4 of 5 years during the window period extending from the 1996–97 through the 2000–01 season or have landed a minimum 2,000 pounds per year in [1 or 2] of the same 5 year window period (1996–97 through 2000–01). All such landings would have to have been reported to the Department pursuant to sections 8043 and 8046, Fish and Game Code.

Option B: A fisherman would have to have landed a total of [500 to 80,000] pounds within the time period commencing with the [1996–97—2000–01] season and ending with the [2000–01—2003–04] season. All such landings would have to have been reported to the Department pursuant to sections 8043 and 8046, Fish and Game Code.

All 2005–06 permits not meeting the qualification criteria would remain non-transferable.

The Department would be charged with making an initial determination as to who meets the qualification criteria and notifying all lobster operator permit holders as to that determination. Any lobster operator permit holders not meeting the qualification criteria based on Department records could submit copies of their own records to show they do meet them. Such copies would have to be submitted on or before March 31, 2006.

Existing regulation sets the deadlines for submission of lobster operator permit renewal applications as May 31 (normal, no penalty fee), June 1–30 (late renewal, \$50 late penalty) and after June 30 (no renewal, permit application returned).

The proposed action would advance those deadlines by one month in each instance, to April 30 (normal), May 1–31 (late) and after May 31 (no renewal) and clarify that any permit not renewed will be considered forfeited to the Department. In addition, the proposed regulations state that the late penalty is determined pursuant to Section 7852.2 of the Fish and Game Code, instead of listing the actual dollar amount.

There are no regulations regarding the transfer of lobster operator permits. The proposed action would set the conditions under which transferable lobster operator permits could be transferred to new fishermen. To transfer a permit the permit holder or his/her estate would have to submit a notarized letter identifying the transferee, the original transferable lobster operator permit, a copy of the transferee's current California commercial fishing license, and a non-refundable \$500 permit transfer fee to the Department's License and Revenue Branch in Sacramento. The new permit would be valid for the remainder, if any, of the then current lobster season and could be renewed as provided.

The Commission will consider if there should be a limit of from 2 to 25 permit transfers per year until March 31, 2008, after which date any number of permits could be transferred, or if there should be no limit on transfers at all. Permit transfer requests would be processed in the order received. If on any given day the number of applications received exceeded the available number of transfers the Department would conduct a drawing to determine which application(s) shall be accepted. This limit would not apply in the case of the death of the permittee. The estate of a deceased permit holder would be able to renew the permit if needed to keep it valid, and would have one year from the date of death of the permit holder, as listed on the death certificate, to transfer the permit.

The Commission will now also consider if there should be a limit of 400 traps applied to all new lobster operator permits issued via the permit transfer process being proposed in this regulatory package. If approved, when any transferable lobster operator permit is transferred to a new person that permit would be marked by the Department as being valid for not more than 400 traps.

Existing regulations require fishermen to complete and submit an accurate record of fishing activity on the "Daily Lobster Log, DFG 122 (6/95)", provided by the Department. That form was updated in July 1996 to provide for recording up to three days' fishing activity on one page. No changes were made in the information required on the log. The proposed changes will update the log book reference to "Daily Lobster

Log, DFG 122 (7/96),” and make the non-substantive change to incorporate the log by reference rather than print a copy in Title 14.

Any person denied the reclassification of his/her 2005–06 lobster operator permit by the Department would be able to appeal that denial to the Commission within 60 days.

Several non-substantive changes in punctuation and grammar have been made for clarity throughout the regulatory text.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Secretary of State Auditorium, 1500 11th Street, Sacramento, CA, on Thursday, May 5, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 28, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than May 5, 2005 at the hearing in Sacramento. All written comments must include the true name and mailing address of the commentator.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. By allowing the free-market transfer of spiny lobster fishing permits the proposed action may provide a positive economic impact through the sale of a complete business package, i.e., a lobster fishing boat, traps and permit. This fishery is limited to southern California, south of Point Conception, Santa Barbara County, so there is no California spiny lobster fishing businesses in other states.

By establishing a 400 trap limit on persons who obtain a new lobster operator permit via the proposed permit transfer process some new fishermen might not be able to compete as effectively in the spiny lobster fishery. Some existing fishermen fish as few as 200 traps and others fish as many as 800 traps. As the number of permits issued via the transfer process increases over time the degree of disparity in the number of allowable traps will decrease, until at some future time all transferable lobster operator permits will have a limit of 400 traps and no fisherman will have a fishery advantage by virtue of number of traps.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: The proposed action will not have an immediate impact on the creation or elimination of jobs or businesses in the state. The permits that are designated as transferable will provide for the orderly sale of a complete business package for the harvest of California spiny lobster. The persons whose permits are designated as non-transferable will be able to continue fishing for California spiny lobster for as long as they chose to do so. The proposed action will not impact the expansion of businesses in California.
- (c) Cost Impacts on a Representative Private Person or Business: The Commission is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)

NOTICE TO INTERESTED PARTIES

REQUEST FOR COMMENTS ON PROPOSED LISTING OF COBALT SULFATE AND DIAZOAMINOBENZENE AS KNOWN TO CAUSE CANCER

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 *et seq.*, Proposition 65). OEHHA is proposing to include cobalt sulfate (CAS No. 10124-43-3) and diazoaminobenzene (CAS No. 136-35-6) on the list of chemicals known to the state to cause cancer, for the purposes of Proposition 65.

Health and Safety Code section 25249.8(a) requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP), as described in Labor Code section 6382(b)(1) and (d), be included on the Proposition 65 list. Labor Code section 6382(b)(1) references substances identified as human or animal carcinogens by IARC, and Labor Code section 6382(d) references substances identified as carcinogens or potential carcinogens by IARC or NTP. Cobalt sulfate and diazoaminobenzene were identified by the NTP as reasonably anticipated to be human carcinogens.

In 2005, the NTP issued the *Eleventh Report on Carcinogens* available at (<http://ntp.niehs.nih.gov/ntp/roc/toc11.html>). In this report, the NTP concluded that "Cobalt sulfate is reasonably anticipated to be a human carcinogen based on sufficient evidence of carcinogenicity in experimental animals." In the same report, the NTP concluded that diazoaminobenzene (DAAB) is "reasonably anticipated to be a human carcinogen based on evidence from studies in animals and with human tissue demonstrating that DAAB is metabolized to benzene, a known human carcinogen, and on evidence that DAAB causes genetic damage."

Pursuant to state law, NTP's designation of cobalt sulfate and diazoaminobenzene as potential human carcinogens means that "cobalt sulfate" and "diazoaminobenzene" must be included on the Proposition 65 list (Labor Code section 6382(d)). Therefore, OEHHA proposes to add "cobalt sulfate" and "diazoaminobenzene" to the Proposition 65 list of chemicals known to cause cancer. Anyone wishing to provide comments as to whether these chemicals meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a), by reference to Labor Code section 6382(d), should send written comments in triplicate, along with any supporting documentations, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation by transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent

by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Monday, April 18, 2005.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code sec. 11349.3)
OAL File No. 05-0217-03ER**

DECISION OF DISAPPROVAL OF EMERGENCY RULEMAKING ACTION

In re:

AGENCY: DEPARTMENT OF PARKS AND RECREATION, DIVISION OF OFF-HIGHWAY MOTOR VEHICLE RECREATION

ACTION: Adopt sections 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, and 4970.21; amend sections 4970.00 and 4970.01; and repeal sections 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.22, 4970.23, 4970.24, 4970.25, 4970.26, 4970.27, 4970.28, 4970.29, 4970.30, 4970.31, and 4970.32

DECISION SUMMARY

This proposed emergency regulatory action deals with the Off-Highway Motor Vehicle Recreation local assistant grant and cooperative agreement program by the Off-Highway Motor Vehicle Recreation Division of the Department of Parks and Recreation. These regulations include definitions, project priorities, application requirements, application timelines (including public notice and review process), types of projects and specific application and content requirements for the individual projects, applications for

equipments, environmental impact reporting requirements, wildlife habitat protection program (WHPP)/habitat management program (HMP) and soil conservation requirements, match fund requirements, application evaluation criteria and point scoring system, approval of applications, and accounting, audits and annual performance reviews. The Department of Parks and Recreation (Department) initially submitted this emergency regulatory action to the Office of Administrative Law (OAL) on February 11, 2005 (OAL file no. 05-0211-05E); it was later withdrawn by the Department on February 15, 2005. The Department resubmitted the emergency regulations on February 17, 2005 (OAL file no. 05-0217-03ER). On February 28, 2005, OAL notified the Department that OAL disapproved the emergency regulatory action because the filing failed to demonstrate that all of the proposed changes were necessary for the immediate preservation of the public peace, health and safety, or general welfare. Additionally, OAL found that the regulations failed to comply with the Clarity and Consistency standards contained in Government Code section 11349.1. The reasons for disapproval are explained below.

DATE: March 7, 2005

DEBRA M. CORNEZ
Senior Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original: Ruth Coleman, Director

cc: Daphne C. Greene, Deputy Director
Julie Hom

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD
CCAA Non-vehicular Source Fee Regulations 2004

This regulatory action provides for the collection of supplemental fees (in fiscal years where the State Legislature has authorized the Air Resources Board to

collect fees in excess of \$17.4 million) from permitted facilities that emitted 250 tons or more of any non-attainment pollutant or precursor during the most recent calendar year.

Title 17
California Code of Regulations
ADOPT: 90805, 90806 AMEND: 90800.8, 90803
Filed 03/03/05
Effective 03/03/05
Agency Contact: Bob Jenne (916) 322-2884

BOARD OF EQUALIZATION
Vehicles, Vessels and Aircraft

The Board of Equalization (Board) is amending section 1610, title 18, California Code of Regulations by deleting (e)(1) and (e)(2) pertaining to the 90-day test, and adding to (e) "Regarding the applicability of tax to the out-of-state purchase of a vehicle, vessel, or aircraft, see subdivision (b) of Regulation 1620 (18 CCR 1620)." The 90-day test is contained in the aforementioned section 1620, together with the new 12-month test which runs from October 2, 2004, through June 30, 2006. (See File No. 05-0203-05N.) The Board is also making various editorial corrections.

Title 18
California Code of Regulations
AMEND: 1610
Filed 03/08/05
Effective 03/08/05
Agency Contact:
Joann Richmond (916) 322-1931

BOARD OF EQUALIZATION
Interstate and Foreign Commerce

The Board of Equalization is amending section 1620, title 18, California Code of Regulations, entitled Interstate and Foreign Commerce. The subject amendments are to bring the section into compliance with those changes to Revenue and Taxation Code section 6248 made by Stats. 2004, Ch. 226.

Title 18
California Code of Regulations
AMEND: 1620
Filed 03/03/05
Effective 04/02/05
Agency Contact:
Joann Richmond (916) 322-1931

**BUREAU OF ELECTRONIC AND APPLIANCE
REPAIR**
Service Contracts

This rulemaking action defines "home health care products" for purposes of the bureau's regulations and adds a provision required by statute which provides that an applicant for registration as a service provider may, in addition to the other specified means, show

proof of financial responsibility by submitting the most recent audited financial statement reflecting a net worth of not less than one hundred million dollars.

Title 16
California Code of Regulations
ADOPT: 2755 AMEND: 2756
Filed 03/07/05
Effective 04/06/05
Agency Contact: Linda Shaw (916) 574-0283

BUREAU OF NATUROPATHIC MEDICINE
Introduction

This filing is the readoption of an emergency regulatory action which implemented and made specific the Naturopathic Doctors Act.

Title 16
California Code of Regulations
ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4216, 4218, 4220, 4222, 4224, 4226, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268
Filed 03/08/05
Effective 03/08/05
Agency Contact:
Kathy McKeever (916) 324-0794

CALIFORNIA ARCHITECTS BOARD
Addresses, Form of Examinations, License Renewal,
Expired License

The regulatory action deals with the filing of mailing addresses, the form of examinations and the application process for applicants whose license has been expired for (a) more than three years but less than 5 years or (b) more than five years.

Title 16
California Code of Regulations
ADOPT: 2624.1 AMEND: 2604, 2615, 2624
Filed 03/08/05
Effective 04/07/05
Agency Contact: Justin Sotelo (916) 445-6573

DEPARTMENT OF FOOD AND AGRICULTURE
Direct Marketing Late Penalty Fee

This proposed regulation deals with a Direct Marketing Late Penalty Fee, authorized by AB 1726 of 2004, imposed on operators of certified farmers' markets. It was approved with no text changes.

Title 3
California Code of Regulations
ADOPT: 1392.8.1(3) AMEND: 1392.8.1.(2)
Filed 03/07/05
Effective 04/06/05
Agency Contact:
Janice L. Price (916) 654-0919

DEPARTMENT OF INDUSTRIAL RELATIONS
Alternative Composite Deposit

In this regulatory action, the Department of Industrial Relations amends regulations pertaining to the "alternative composite deposit" program for qualified self insured employers in connection with workers' compensation insurance.

Title 8
California Code of Regulations
AMEND: 15220, 15220.1, 15220.3, 15220.4
Filed 03/08/05
Effective 03/08/05
Agency Contact: Mark Johnson (916) 483-3392

DEPARTMENT OF INSURANCE
Workers' Compensation Pure Premium Advisory Rates

This action updates the Uniform Statistical Plan, the Experience Rating Plan, and miscellaneous requirements for recording data and reporting it to the Workers Compensation Insurance Rating Bureau.

Title 10
California Code of Regulations
AMEND: 2318.6, 2353.1, 2354
Filed 03/02/05
Effective 01/01/05
Agency Contact: Larry C. White (415) 538-4423

FISH AND GAME COMMISSION
Marine Protected Areas

This regulatory action implements the Marine Managed Areas Improvement Act (AB 2800, Ch. 385 of 2000) by reclassifying the existing marine protected areas in California.

Title 14
California Code of Regulations
AMEND: 29.05, 29.40, 30.00, 120.7, 122, 123, 149, 165, 180, 630, 632, 747 REPEAL: 27.20, 27.25, 27.30, 27.35, 27.40, 27.42, 27.45, 27.50, 27.51, 630.5
Filed 03/08/05
Effective 04/07/05
Agency Contact: Tracy L. Reed (916) 653-4899

MEDICAL BOARD OF CALIFORNIA
Ethics Course as a Condition of Probation

The regulatory action contains the requirements to become an approved provider of an ethics course that a licensee is required to successfully complete as a condition of the licensee's probation.

Title 16
California Code of Regulations
ADOPT: 1358.1
Filed 03/07/05
Effective 04/06/05
Agency Contact:
Kevin A. Schunke (916) 263-2368

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Respiratory Protection

This action is the Certificate of Compliance filing making permanent the transitional exception to the existing 10/18/04 mandate of Section 5144 that employees potentially exposed to M. Tuberculosis be given an annual medical evaluation using the Appendix C questionnaire.

Title 8
California Code of Regulations
AMEND: 5144
Filed 03/07/05
Effective 03/07/05
Agency Contact: Marley Hart (916) 274-5721

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Safe Drinking Water and Toxic Enforcement Act of 1986

This rulemaking action repeals the regulation, first adopted in 1989, that defines "any detectable amount" in proposition 65 as a level detected using a method of analysis referred to in the regulation. The regulation also provides that no discharge, release or exposure occurs under Proposition 65, unless a listed chemical is detectable as provided in the regulation and creates a tiered hierarchy of acceptable methods of analysis. It provides that where specified state or local governmental agencies have adopted or employed a method of analysis, that method must be used. Where those specified state or local government agencies have not adopted a method of analysis, but where a federal governmental agency has, the federally adopted method must be used. Where no government agency has adopted a method of analysis, a method of analysis that is generally accepted in the scientific community must be used. Where more than one method of analysis had been adopted in a given tier, then any method within the tier could be used. The existing regulation also provides that generally accepted standards and practices for sampling, analyzing, and interpreting the data must be observed when using a particular method of analysis.

Title 22
California Code of Regulations
REPEAL: 12901
Filed 03/03/05
Effective 04/02/05
Agency Contact: Cynthia Oshita (916) 322-2068

PHYSICIAN ASSISTANT COMMITTEE
Technical Cleanup

This nonsubstantive filing makes technical changes primarily to implement SB 1981 (Stats. 1998, Chapter 736) and SB 916 (Stats. 1993, Chapter 1267).

Title 16
 California Code of Regulations
 AMEND: 1399.500, 1399.501, 1399.502,
 1399.506, 1399.512, 1399.521, 1399.530,
 1399.543, 1399.546 REPEAL: 1399.519, 1399.522,
 1399.553, 1399.554, 1399.555
 Filed 03/03/05
 Effective 04/02/05
 Agency Contact:
 Glenn L. Mitchell (916) 263-2670 ext. 203

PUBLIC UTILITIES COMMISSION
CPUC Rules of Practice and Procedure

In the submission of amendments to the Commission's Rules of Practice and Procedure, made February 18, 2005, the text of newly adopted Rule 2.3.1 and the text of amended Rule 8.2 each had two lines dropped between the bottom of one page and the top of the next page, apparently due to a printer malfunction. The text adopted by the Public Utilities Commission in Decision 04-12-057 and originally submitted to OAL January 10, 2005 had the correct text of Rules 2.3.1 and 8.2. This change without regulatory effect corrects the production errors.

Title 20
 California Code of Regulations
 ADOPT: 2.3.1 AMEND: 8.2
 Filed 03/07/05
 Effective 03/07/05
 Agency Contact: Anne Simon (415) 703-2014

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—
 Multi-Story AB 1631

This action amends provisions governing eligibility for the supplemental multistory construction grant in compliance with changes mandated by AB 1631 (Chap. 904, Stats. 2004).

Title 2
 California Code of Regulations
 AMEND: 1859.73.2, 1859.145.1
 Filed 03/02/05
 Effective 03/02/05
 Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN OCTOBER 20, 2004
 TO MARCH 9, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the

Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

- 03/02/05 AMEND: 1859.73.2, 1859.145.1
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.71.3, 1859.78.5
- 02/24/05 AMEND: 211
- 02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2
- 02/15/05 AMEND: 1859.81
- 02/03/05 AMEND: 1859.106
- 02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2, 1859.60, 1859.61, 1859.78.6
- 01/31/05 AMEND: 1859.2, 1589.33, 1859.35, 1859.77.3, 1859.82, 1859.83
- 01/26/05 ADOPT: 20107
- 01/04/05 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
- 01/03/05 ADOPT: Division 8, Chapter 108, Section 59530.
- 12/31/04 ADOPT: 18229
- 12/31/04 AMEND: 18545
- 12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83
- 12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND: 1859.2, 1859.51, 1859.70, 1859.103,
- 12/06/04 AMEND: 1859.2, 1859.51
- 11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000
- 11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4, 1866.4.1, 1866.4.2 1866.4.3, 1866.5, 1866.5.1, 1866.7, 1866.13
- 11/22/04 AMEND: 58700
- 11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5, 561.6, 561.7, 561.8, 561.9, 561.10, 561.11, 561.12, 561.13, 561.14
- 11/10/04 ADOPT: 1859.163.1, 1859.163.2, 1859.163.3, 1859.164.2, 1859.167.1 AMEND: 1859.2, 1859.145, 1859.145.1, 189.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171
- 11/09/04 AMEND: 18530.8
- 11/04/04 AMEND: 1859.71.2, 1859.78.4
- 11/02/04 AMEND: 1859.51, 1859.105
- 11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129 1859.130
- 10/26/04 ADOPT: 18361.1, 18361.2, 18361.3, 18361.4, 18361.5, 18361.6, 18361.7, 18361.8, AMEND: 18361.5, 18406,

18450.4, 18702.2, 18702.5, 18740,
18747, 18754, 18951 REPEAL: 18361

Title 3

03/07/05 ADOPT: 1392.8.1(3) AMEND:
1392.8.1.(2)
03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4,
796.5, 796.6, 796.7, 796.8, 796.9
AMEND: Article 8 heading REPEAL:
795.10, 795.13, 795.14, 795.16, 795.17,
795.19, 795.30, 795.32, 795.33, 795.50
02/28/05 AMEND: 3430(b)
02/24/05 AMEND: 1280.2
02/23/05 AMEND: 3423(b)
02/15/05 ADOPT: 4603(g)
02/02/05 AMEND: 3430(b)
01/21/05 AMEND: 3700 (b)(c)
01/21/05 ADOPT: 3700
01/14/05 AMEND: 3700(c)
01/13/05 AMEND: 3962(a)
12/20/04 REPEAL: 305, 306
11/29/04 AMEND: 3423(b)
11/17/04 AMEND: 1703.3
11/16/04 AMEND: Subchapter 1.1
11/10/04 AMEND: 3601(g)
11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000, REPEAL: 6450,
6450.1, 6450.2, 6250.3, 6784
10/25/04 AMEND: 3700(c)

Title 4

02/28/05 AMEND: 2424
02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050
02/04/05 AMEND: 1371
01/28/05 ADOPT: 12270, 12271, 12272
12/23/04 ADOPT: 10163, 10164 AMEND: 10152,
10153, 10154, 10155 10156, 10157,
10158, 10159, 10160, 10161, 10162
12/20/04 ADOPT: 12200, 12200.1, 12200.3,
12200.5, 12200.6, 12200.7, 12200.9,
12200.10A, 12200.10B, 12200.10C,
12200.11, 12200.13, 12200.14, 12200.15,
12200.16, 12200.17, 12200.18, 12200.20,
12200.21, 12201, 12202, 12203, 12203A,
12203.1, 12203.2, 12203.3, 12203.
12/16/04 ADOPT: 144
12/16/04 ADOPT: 10300, 10301, 10302, 10303,
10304, 10305, 10306, 10307, 10308,
10309, 10310, 10311, 10312, 10313,
10314, 10315, 10316, 10317, 10318,
10319, 10320, 10321, 10322, 10323,
10324, 10325, 10326, 10327, 10328,
10329, 10330, 10331, 10332, 10333,
10334, 1
11/29/04 AMEND: 1846.5

11/23/04 ADOPT: 2444 AMEND: 2241, 2242,
2243, 2245, 2250, 2270, 2271, 2272,
2300, 2401, 2422, 2423, 2424, 2425,
2426, 2441, 2442, 2443, 2505, 2507,
2511, 2512

11/08/04 ADOPT: 12360, 12370

Title 5

02/10/05 ADOPT: 19817.1, 19826.1, 19828.1,
19837 AMEND: 19814, 19814.1, 19817,
19826, 19828
02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544,
9545, 9546, 9547, 9548, 9549, 9550
01/31/05 AMEND: 80048.3, 80457, 80523.1 RE-
PEAL: 80413.1
01/19/05 ADOPT: 19814.1, 19832, 19833, 19834,
19835, 19836 REPEAL: 19814
01/10/05 ADOPT: 3088.1, 3088.2
12/08/04 ADOPT: 9517.1 AMEND: 9515, 9517
11/16/04 ADOPT: 80089.3, 80089.4
11/15/04 ADOPT: 6116, 6126 AMEND: 6100,
6115, 6125
11/09/04 ADOPT: 14105
11/04/04 AMEND: 11981, 11985
11/02/04 AMEND: 58311, 58316

Title 7

12/06/04 AMEND: 213, 218

Title 8

03/08/05 AMEND: 15220, 15220.1, 15220.3,
15220.4
03/07/05 AMEND: 5144
02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14
02/04/05 AMEND: 5146
01/26/05 AMEND: 3456
01/26/05 AMEND: 5144
01/24/05 AMEND: 3427
12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
9768.5, 9768.6, 9768.7, 9768.8, 9768.9,
9768.10, 9768.11, 9768.12, 9768.13,
9768.14, 9768.15, 9768.16, 9768.17
12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726,
9727, 9785, 9785.2, 9785.3, 9805, 10150,
10152, 10156, 10158, 10160, 10163,
10165.5 REPEAL: 10151, 10154
12/30/04 AMEND: 3380(d)
12/27/04 ADOPT: 32032, 32033, 32034, 32035,
81000, 81005, 81010, 81020, 81030,
81040, 81050, 81055, 81060, 81065,
81070, 81075, 81080, 81090, 81100,
81105, 81110, 81115, 81120, 81125,
81130, 81135, 81140, 81145, 81150,
81155, 81160, 81165, 81170, 81175,
81180

CALIFORNIA REGULATORY NOTICE REGISTER 2005, VOLUME NO. 11-Z

12/15/04 AMEND: 9789.11
12/15/04 ADOPT: 9788.01, 9788.1, 97883.11,
9788.2, 9788.3, 9788.31, 9788.32,
9788.4, 9788.45, 9788.5, 9788.6, 9788.7,
9788.8, 9788.9, 9788.91
12/09/04 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
9792.10, 9792.11 REPEAL: 9792.6
12/08/04 AMEND: 3210, 3212
12/08/04 AMEND: 1602(a)
12/07/04 AMEND: 3314
11/09/04 AMEND: 6777
11/03/04 AMEND: 1541(1)(1)
11/03/04 AMEND: 15220, 15220.1, 15220.3,
15220.4
11/01/04 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14

Title 9

01/25/05 AMEND: 9525
12/06/04 ADOPT: 9805, 9868 AMEND: 9801,
9801.5, 9804, 9812, 9820, 9824, 9848,
9867, 9878
10/28/04 AMEND: 9525

Title 10

03/02/05 AMEND: 2318.6, 2353.1, 2354
02/09/05 AMEND: 260.165
01/14/05 AMEND: 2498.6
01/07/05 ADOPT: 2699.6608 AMEND: 2699.100,
2699.200, 2699.201, 2699.205, 2699.209,
2699.400, 2699.401, 2699.6500,
2699.6600, 2699.6606, 2699.6607,
2699.6611, 2699.6613, 2699.6617,
2699.6619, 2699.6625, 2699.6631,
2699.6705, 2699.6715, 2699.6717,
2699.6725, 2699.
12/28/04 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
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2698.41 REPEAL: 2698.42, 2698.43,
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